

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: October 6, 2003
)	
Nadine Walton-Holliday)	DOCKET NO.: 03F-189
Supervisory Payroll Specialist)	
Child and Family Services Agency)	
544 Harry S. Truman Drive)	
Upper Marlboro, Maryland 20774)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Nadine Walton-Holliday, Supervisory Payroll Specialist, Child and Family Services Agency, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 11, 2003, OCF ordered Nadine Walton-Holliday (hereinafter respondent), to appear at a scheduled hearing on August 25, 2003 and show cause why she should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On August 25, 2003, respondent filed an affidavit with OCF stating that on May 14, 2003, she submitted her Financial Disclosure Statement (FDS) to one Ms. Miller of her agency. Respondent further stated that Ms. Miller informed her that she would hand-carry all FDS forms to OCF. Respondent asserts that she did not realize OCF was not in receipt of her report until she received a Notice of Hearing, Statement of Violations and Order of Appearance from OCF. Respondent stated this was her first filing with OCF,

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and that she did not retain a copy of the report for her records. Respondent filed a fully executed FDS with OCF on August 25, 2003.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent was appointed to the Management Supervisory Service on October 7, 2001.
2. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
3. Respondent filed the required Financial Disclosure Statement on August 25, 2003.
4. Respondent is a first-time FDS required filer.
5. OCF has received Financial Disclosure Statements that have been delivered en masse by certain agencies.
6. Respondent provided a credible explanation for the filing delinquency in that she asserts her FDS was given to an agency representative who was responsible for delivering her FDS, along with others, to OCF on or around May 14, 2003.
7. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.

4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. It is the practice of OCF to receive Financial Disclosure Statements from an agency which has assigned an employee to collect and deliver same en masse.
6. Respondent's explanation for failing to timely file constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the fine in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine be hereby suspended in this matter.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

Rose Rice
Legal Assistant

NOTICE

Pursuant to 3 DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.